

Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

BRIAN H. JONES SR.,

Defendant.

NO. CR15-199RAJ

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the Government's Motion for Entry of Discovery Protective Order, and the court having considered the motion, the Defendant's opposition, the Government's reply, and being fully advised in this matter, hereby GRANTS the Government's Motion (Dkt. #18) and enters the following PROTECTIVE ORDER:

1. Protected Material

The following documents and materials are deemed Protected Material. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record

(hereinafter collectively referred to as members of the defense team). This category of Protected Materials are deemed “Protected Material:

- a. Grand Jury transcripts and exhibits.
- b. Victim/Witness statements, including but not limited to reports of law enforcement officers memorializing witness/victim statements, and written statements by victims and witnesses.
- c. Records, reports, and documents related to medical visits and examinations.

The personal information related to victim/witnesses, and any statements and documents containing personal information about or related to any victims and witnesses provided by the government in discovery is deemed Protected Material. As used in this Order, the term “personal information” refers to each victim and witness’s full name, date of birth, Social Security number (or other identification information), driver’s license number, address, telephone number, location of residence or employment, school records, juvenile criminal records, and other confidential information.

## 2. Scope of Review of Protected Material

The attorneys of record and members of the defense team may display and review the Protected Material with the Defendant. The attorneys of record and members of the defense team acknowledge that providing copies of the Protected Material to the Defendant and other persons is prohibited, and agree not to duplicate or provide copies of Protected Material to the Defendant and other persons. The exception to this prohibition is the dissemination of electronic copies by defense counsel to the Federal Detention Center at SeaTac, Washington, for use in a controlled environment by Defendant, who is currently in custody at the FDC.

The United States Attorney’s Office for the Western District of Washington is similarly allowed to display and review the Protected Material to lay witnesses, but is otherwise prohibited from providing copies of the Protected Material to lay witnesses, i.e. non-law enforcement witnesses.

1           3.     Consent to Terms of Protective Order

2           Members of the defense team shall provide written consent and acknowledgement  
3 that they will each be bound by the terms and conditions of this Protective Order. The  
4 written consent need not be disclosed or produced to the United States unless requested  
5 by the Assistant United States Attorney and ordered by the Court.

6           4.     Parties' Reciprocal Discovery Obligations

7           Nothing in this order should be construed as imposing any discovery obligations  
8 on the government or the defendant that are different from those imposed by case law and  
9 Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

10          5.     Filing of Protected Material

11          Any Protected Material that is filed with the Court in connection with pre-trial  
12 motions, trial, sentencing, or other matter before this Court, shall be filed under seal and  
13 shall remain sealed until otherwise ordered by this Court. This does not entitle either  
14 party to seal their filings as a matter of course. The parties are required to comply in all  
15 respects to the relevant local and federal rules of criminal procedure pertaining to the  
16 sealing of court documents.

17          6.     Nontermination

18          The provisions of this Order shall not terminate at the conclusion of this  
19 prosecution.

20          8.     Violation of Protective Order

21          Any violation of any term or condition of this Order by the Defendant, his  
22 attorney(s) of record, any member of the defense team, or any attorney for the United  
23 States Attorney's Office for the Western District of Washington, may be held in contempt  
24 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by  
25 this Court.

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1 If the Defendant violates any term or condition of this Order, the United States  
2 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file  
3 any criminal charges relating to the Defendant's violation.

4 DATED this 24<sup>th</sup> day of July, 2014.

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8 The Honorable Richard A. Jones  
9 United States District Judge  
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